



IT IS ORDERED as set forth below:

Date: December 6, 2021

A handwritten signature in black ink that reads "James R. Saccia".

James R. Saccia
U.S. Bankruptcy Court Judge

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

IN RE:

**DEAN A. DITMAR AND
KELLY E. DITMAR,**

Debtors.

**CHAPTER 11
(Subchapter V)**

CASE NO. 21-20935-jrs

**ORDER AND NOTICE OF ASSIGNMENT OF
HEARING ON CONFIRMATION OF PLAN**

Debtors filed their *Plan of Reorganization* (Doc. No. 50) ("Plan") on November 29, 2021.

Debtors also filed, on December 3, 2021, an application requesting entry of an order:

- (1) scheduling the Plan confirmation hearing,
- (2) approving the form and content of Debtors' ballot,
- (3) establishing a deadline for filing objections to the Plan,
- (4) establishing a deadline for filing objection to Debtors' request that the Court waive any disclosure statement requirement if the United States Trustee's Objection to Debtors' Subchapter V Election is sustained by the Court, and

(5) establishing a deadline for casting ballots to accept or reject the Plan.
(Doc. No. 51) (the “Application”).

Therefore, it is hereby:

ORDERED and NOTICE IS HEREBY GIVEN that:

- A. January 20, 2022¹ is fixed as the last day for filing, on the ballot form attached to this order, written acceptances or rejections of Debtors’ Plan. All ballots must be *filed* with:

Clerk, U.S. Bankruptcy Court
Room 120
121 Spring Street SE
Gainesville, GA 30501

and a copy *mailed* to Debtors’ attorney:

Thomas T. McClendon
Jones & Walden LLC
699 Piedmont Ave NE
Atlanta, GA 30308

- B. January 20, 2022 is fixed, pursuant to Interim Rule 3017.2 and General Order 30-2020, as the last day for filing and serving written objections to confirmation of the Plan. Any such written objection to confirmation of the Plan must be filed with the Clerk, U.S. Bankruptcy Court, Room 120, 121 Spring Street SE, Gainesville, GA 30501 and a copy mailed to Debtors’ attorney, Thomas T. McClendon, Jones & Walden LLC, 699 Piedmont Ave NE, Atlanta, GA 30308.

- C. January 20, 2022 is fixed as the last day for filing and serving written objections to Debtors’ request to waive any requirement to file a disclosure statement if the United States Trustee’s objection is sustained by the Court.

¹ The deadline for filing all pleadings addressed in this Order electronically through the Court’s electronic case filing system shall be 11:59:59 p.m. The deadline for filing all pleadings addressed in this Order manually with the Clerk’s office shall be 4:00 p.m.

D. A hearing will be held in **Courtroom 103, U.S. Courthouse, 121 Spring Street, SE, Gainesville, GA 30501 at 1:00 p.m. on January 27, 2022**, to consider confirmation of the Plan, to determine the value of collateral and extent to which claims are secured pursuant to 11 U.S.C. §506(a) and Rule 3012, address any disputes regarding the cure amount listed in the Plan and to address any other matters related to the Plan, and address Debtors' request to waive any disclosure statement requirement should the Court sustain the United States Trustee's Objection to Debtors' Subchapter V Election (the "Confirmation Hearing"). *The Confirmation Hearing will be held in Judge Sacca's Virtual Hearing Room or in person at the option of the person appearing. Please check Judge Sacca's website (<https://www.ganb.uscourts.gov/content/honorable-james-r-sacca>) prior to the hearing for information about procedures.*

- E. Nothing in this Order shall affect any deadline previously set by the Court.
- F. **Debtors' attorney** is directed to serve a copy of this Order and Notice, the Plan, and the Ballot, upon the U.S. Trustee and all creditors and parties in interest on or before three (3) business days of entry of this Order and Notice, and to file a certificate of such service within three days of mailing.

At least three (3) days prior to the scheduled hearing on confirmation of the Plan, Debtors' attorney shall file a Summary of Voting on the Plan in form substantially similar to Exhibit "A" attached hereto indicating all ballots cast have been tabulated by Debtors and the resulting vote for each class designated in the Plan.

[END OF ORDER]

Prepared and Presented By:

JONES & WALDEN LLC

/s/ Thomas T. McClendon

Thomas T. McClendon
Georgia Bar No. 431452
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Attorney for the Debtor

Distribution List

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Office of the U.S. Trustee
362 Richard Russell Federal Building
75 Ted Turner Dr, SW
Atlanta, Georgia 30303

Exhibit "A"

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
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IN RE:

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(Subchapter V)**

CASE NO. 21-20935-jrs

**SUMMARY OF THE VOTING ON THE
PLAN OF REORGANIZATION FILED ON NOVEMBER 29, 2021**

Tabulated as of _____, 2022

For Confirmation Hearing to be held: _____, 2022.

Class Number and Description	Number of Votes	Dollar Amount of Votes	Class Vote Impairment
	<u> </u> Accepts <u> </u> Rejects Percent	\$ <u> </u> Accepts \$ <u> </u> Rejects Percent	<u> </u> Yes No
	<u> </u> Accepts <u> </u> Rejects Percent	\$ <u> </u> Accepts \$ <u> </u> Rejects Percent	<u> </u> Yes No
	<u> </u> Accepts <u> </u> Rejects Percent	\$ <u> </u> Accepts \$ <u> </u> Rejects Percent	<u> </u> Yes No

RESPECTFULLY SUBMITTED, this _____ day of _____, 2022.

JONES & WALDEN LLC

Thomas T. McClendon
Georgia Bar No. 431452
699 Piedmont Ave, NE
Atlanta, Georgia 30308
(404) 564-9300

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
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IN RE:

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Debtors.

**CHAPTER 11
(Subchapter V)**

CASE NO. 21-20935-jrs

BALLOT FOR ACCEPTING OR REJECTING DEBTOR'S PLAN

On November 29, 2021, Debtors filed their Subchapter V Plan of Reorganization ("Plan") and, on December 3, 2021, an *Application Requesting Entry of Order Establishing Certain Deadlines Pursuant to Interim Rule 3017.2 and Waiving Disclosure Statement Requirement* (the "Application"). The Court has approved the deadlines set forth herein. If you do not have a copy of the Plan, you may obtain a copy from Jones & Walden LLC, 699 Piedmont Ave. NE, Atlanta, Georgia 30308, 404-564-9300 (telephone), 404-564-9301 (facsimile). The Plan is available for review in the Office of the Clerk, U.S. Bankruptcy Court, 121 Spring Street SE, Room 120, Gainesville, GA 30501 during normal business hours or online at <http://ecf.ganb.uscourts.gov> (registered users) or at <http://pacer.psc.uscourts.gov> (unregistered users).

You should review the Plan before you vote. You may wish to seek legal advice concerning the Plan and your classification and treatment under the Plan. If you hold claims or equity interests in more than one class, you may receive a ballot for each class in which you are entitled to vote and you may use a copy of the ballot or request an additional ballot if you do not receive one.

If your ballot is not received by the Office of the Clerk, U.S. Bankruptcy Court, 121 Spring Street SE, Room 120, Gainesville, GA 30501 on or before January 20, 2022² and such deadline is not extended, your vote will not count as either an acceptance or rejection of the Plan.

If the Plan is confirmed by the Bankruptcy Court it will be binding on you whether or not you vote.

² The deadline for filing written objections electronically through the Court's electronic case filing system shall be 11:59:59 p.m. The deadline for filing written objections manually with the Clerk's office shall be 4:00 p.m.

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CHAPTER 11
(Subchapter V)

CASE NO. 21-20935-jrs

BALLOT FOR ACCEPTING OR REJECTING PLAN

The Plan referred to in this ballot can be confirmed and thereby made binding on you if it is accepted by the holders of two-thirds in amount and more than one-half in number of claims in each Class. If the required acceptances are not obtained, the Plan may nevertheless be confirmed if the Court finds that the Plan accords fair and equitable treatment to the Class or Classes rejecting it or the Plan otherwise satisfies the requirements of Section 1191(b) of the Code.

TO HAVE YOUR VOTE COUNT, YOU MUST COMPLETE AND RETURN THIS BALLOT ON OR BEFORE JANUARY 20, 2022 TO:

Clerk, U.S. Bankruptcy Court
121 Spring Street SE, Room 120
Gainesville, GA 30501

You must also deliver a copy of the completed, signed ballot to Debtor's Attorney at: Jones & Walden LLC, 699 Piedmont Avenue NE, Atlanta, Georgia 30308, Attn: Thomas T. McClendon.

The undersigned is a holder of [check one]:

- a secured claim
 an unsecured claim
 other [specify: _____]

In the amount of \$ _____, in Class _____ and hereby:

Accepts Rejects

Debtor's Plan of Reorganization

Date: _____

Creditor: _____

Print or Type Name

Signed: _____

[If appropriate] as: _____
Title

Address: _____

Email address of signing representative: _____

Phone Number: _____

Print name: _____

Email Address: _____